

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

LUONG HONG NHUNG,

Petitioner,

vs.

MICHAEL CHERTOFF,

Respondent.

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CIVIL ACTION NO. H-07-1876

**MEMORANDUM AND OPINION**

The Clerk's Notice of Deficient Pleading entered June 8, 2007 directed the petitioner to file an application to proceed *in forma pauperis* or pay a fee of \$5.00. (Docket Entry No. 3). In a letter dated June 10, 2007, the petitioner requested information concerning the status of his federal petition. (Docket Entry No. 4). In an order entered July 18, 2007, this court directed the petitioner to either file an application to proceed *in forma pauperis* or pay a fee of \$5.00 by August 20, 2007. This court admonished petitioner that failure to comply as directed may result in the dismissal of this action for want of prosecution.

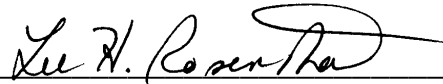
The petitioner has failed to comply with this court's order. The petitioner's failure to file an application to proceed *in forma pauperis* or pay the filing fee forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406,

1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 2002). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED on August 28, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Lee H. Rosenthal  
United States District Judge